UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2001/SR.13
7 May 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 1 May 2000, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued) .

Second periodic report of the Republic of Korea (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.01-41671 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of the Republic of Korea (E/1990/6/Add.23, E/C.12/Q/REPOFKOR/2, HR/CESCR/NONE/2001/4) (continued)

1. At the invitation of the Chairperson, the members of the delegation of the Republic of Korea resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Republic of Korea to answer Committee members' questions from the previous meeting.

3. Ms. Kyung-Wha KANG (Republic of Korea) said that the National Assembly had the previous day enacted legislation establishing a Human Rights Commission. The Commission would be a wholly independent agency made up of 11 members appointed by the President, with a term of office of three years renewable once. Its primary tasks would be to investigate human rights violations, either upon request or proprio motu, and to recommend human rights policy to Government.

4. The Commission's jurisdiction would cover violations by government agencies or offices or by public officials and cases of discrimination in education, employment and job training. It would not cover legislation enacted by the National Assembly, court rulings, or cases already investigated or under investigation by law enforcement authorities.

5. The Commission's enquiries would proceed primarily on the basis of documents, but it might decide to question the parties directly, in which case it could hold hearings or visit premises as required. It would have the right to request information, with the exception of State secrets and information regarding cases currently under investigation, and anyone withholding information would be liable to heavy fines. It could make recommendations to government offices and local administrations and offer an opinion to the courts. It would draw up its own programme of work and its own budget in complete independence. For administrative purposes the budget would go through the Ministry of Justice, but the Ministry would have no right to revise the budget plan.

6. In response to Committee members' questions regarding the Covenant's status in the domestic legal system, she said that thus far there had never been a conflict between domestic legislation and the Covenant. The content of the latter was fully reflected in Korea's Constitution and, under the Constitution, had the same force as domestic law. Draft legislation was always screened and went no further if it was found to be inconsistent with international treaties, while domestic law was interpreted by the courts in such a way as to be consistent with international law, in accordance with Supreme Court guidelines. De facto, therefore, the Covenant outranked domestic legislation.

7. In response to a question from Mr. Malinverni, she said that, under the Immigration Control Act, article 2, a refugee was defined as a person covered by the Convention relating to the Status of Refugees. Korea's policy was changing: in 2001 an Ethiopian had been given refugee status, and many similar decisions were expected in the future. Processing time for asylum applications was also becoming shorter. In addition, the Office of the United Nations High Commissioner for Refugees (UNHCR) had opened an office in Seoul in April 2001, which should contribute to the protection of refugees and asylum-seekers in Korea. Regarding appeals, under the Immigration Control Act asylum-seekers who had been turned down by the screening committee had seven days to file an appeal with the Ministry of Justice. Those who were denied refugee status were not forced to go anywhere they did not wish to go.

8. In response to a question from Mr. Grissa, she said that the foreigners he had referred to were illegal immigrants, whereas Koreans who migrated to other countries did so in accordance with the legislation of those countries and were therefore lawful migrants. Applications for immigration to Korea were judged according to the relevant laws, which Korea did not believe were any more rigid than those of other countries.

9. In response to a question from Mr. Sadi, she said that human rights education in primary and secondary schools had been strengthened under the revised curriculum implemented in 2000. However, in order to give concrete examples, she would have to point to the human rights element in the textbooks for many different subjects, because human rights education cut across disciplines. Training courses for judges and law enforcement officials covered specific and general aspects of international human rights, including women's rights, and the screening procedure for new civil servants included a test on the Constitution.

10. In answer to a question from Mr. Thapalia, she said that the law on the acquisition of land by foreigners had been revised in June 1998 and most of the restrictions had been lifted. In addition, there had recently been many cases of foreigners being recruited into public service.

11. In response to questions from Mr. Sadi and Mr. Thapalia, she said that, under the Gender Equality Act and the Gender Discrimination Prohibition and Relief Act, it was possible for the Government to act to correct gender discrimination in employment, education, law enforcement and policy implementation. Victims made a complaint to the Ministry of Gender Equality, which, if it judged that the case was indeed one of gender discrimination or sexual harassment, helped the parties to reach an agreement or, if that was not possible, made its own recommendation for compensation and restitution. If the perpetrator did not implement the decision, the victim could go to court. Between 1999 and 2001, 353 cases had been brought to the Ministry's attention, including 166 cases of sexual harassment and 130 cases of discrimination in employment.

12. In response to a question from Mr. Atangana, she said that, for the victims of sexual violence, there were 63 advice centres and seven shelters nationwide, while for the victims of family violence, there were 120 advice centres and 27 shelters nationwide. Some financial assistance was available for victims. The perpetrators of acts of family violence were not prosecuted under the criminal law, but courts could ban them from contact with the family or

order them to seek therapy, perform public service or undergo education. The aim was to bring the family together again by curing the perpetrator. The perpetrators of sexual violence, on the other hand, could be prosecuted under the criminal law, depending on the offence.

13. In response to questions from Ms. Barahona Riera, she said the budget of the Ministry of Gender Equality for 2001 was US$ 26.7 million, which was more than twice the amount allocated to the former Commission on Women's Affairs. The Ministry, with a staff of 102 had a general policy office, bureaux dealing with gender discrimination and promotion of women's rights, and a Committee on Gender Discrimination to receive complaints. Six other ministries also had officials in charge of women's policy. In a campaign to raise awareness of legislation against sexual violence and gender discrimination, the Ministry had issued a series of booklets in easily understood comic strip format. Family violence, for example, was now beginning to be seen as a social ill rather than a private problem and many more cases were being reported. The Civil Code had been revised to abolish all privileges, including inheritance privileges, accorded to (typically male) heads of households, and the National Assembly was considering amendments to certain provisions that discriminated against divorced women. The economic crisis had not affected women in general significantly more than men. Measures benefiting women laid off as a result of restructuring included generous subsidies to companies employing women heads of households, free retraining in order to help women acquire the skills needed to set up their own business, and financial help in starting up a business.

14. In answer to a number of questions regarding migrant workers, she said that all who entered Korea legally had the same labour rights as Korean nationals. Illegal migrants had no formal coverage under labour law, except for industrial accident insurance, which, under a 1998 directive, all workers were entitled to irrespective of their legal status. Korea was seriously considering legislation to introduce a work permit and visa system, which should lead to a reduction in undocumented migrant workers. In response to a question from Mr. Ceausu, she agreed that more should probably be done to inform foreign workers, whether legal or illegal, about their status under the law.

15. In response to a question from Mr. Kuznetsov, she said that, given the position she had described in her opening comments with regard to labour rights for certain civil servants, among others, Korea was not yet ready to ratify the International Labour Organization (ILO) Convention concerning freedom of association. The Tripartite Commission was discussing the issues and the Government's proposals on legislation would be in line with their conclusions.

16. With regard to the ILO Convention concerning the abolition of forced labour, ILO had inspected the situation in 1998 and made recommendations regarding military service and prison sentences with labour. For example, it had suggested that, for those who were allowed under the Military Service Law to do public service instead of military service, conscription should be changed to voluntary service. That would, however, have involved changes to the Military Service Law, which would have been highly delicate given the continuing military stand-off with the Democratic Republic of Korea. It had thus not been possible to implement those ILO recommendations.

17. In reply to Mr. Martynov, she said the overall proportion of disabled persons in the workplace was 1 per cent. Employers were given many incentives, both negative and positive, to increase the percentage of disabled people in the workplace. If companies employing more than 300 workers did not meet the 2 per cent quota, they could be fined; but if they did meet it, they would receive generous subsidies. Existing workplaces could obtain interest-free loans to adapt to disabled workers, while new companies could obtain low-interest loans to design a workplace that would be suitable for the disabled.

18. In response to Mr. Rattray, she said she regretted the impression he had gained concerning her Government's general philosophy. Decades of Government-driven growth had shown that economic prosperity based on development and expansion that lacked a human face, and in the absence of genuine democracy, respect for human rights or the rule of law, was unsustainable. The Government wanted people to enjoy dignified, prosperous lives. The country had been on the verge of bankruptcy in mid-December 1997 when the present Government had come to power, and the foreign currency reserve had fallen to some US$ 3.9 billion, barely enough to sustain the country's economy for a few days. The immediate task of rescuing the country from bankruptcy had been addressed through the cancellation of the negative legacies of collusion between the previous Government and business interests and through the overhaul of over-extended, unprofitable corporations. When layoffs had been necessary the new Government had verified the need for them and compensated the victims to the best of its ability.

19. Mr. SADI said that, while most States parties gave the Committee sweeping assurances with regard to the domestic law's conformity with the Covenant, unless those assurances were tested, examples supplied and precedents cited it was difficult for the Committee to make a fair assessment. Could the delegation provide such information?

20. Mr. HUNT reiterated his earlier observation that the Republic of Korea had apparently not prepared a national plan of action in accordance with the 1993 Vienna Declaration and Programme of Action. If so, that task might be assigned to the new national human rights institution.

21. Mr. MALINVERNI repeated his earlier question as to what assistance asylum-seekers received while awaiting a decision on their applications for refugee status.

22. Mr. WIMER-ZAMBRANO asked whether the delegation could furnish an official version of the reasons for the regional economic and financial crisis, which had also affected Korea, and explain the means used for its recovery.

23. Mr. RATTRAY asked whether the national human rights commission would be empowered to institute proceedings before the courts in respect of alleged abuses by the military and the police.

24. Mr. TEXIER said it appeared that the national human rights commission would not be concerned with economic, social and cultural rights, but solely with civil and political rights. He drew the delegation's attention to the Committee's General Comment No. 10 on the role of

national human rights institutions in the protection of economic, social and cultural rights, and hoped that the country's next periodic report would show that those rights had been added to the commission's mandate.

25. Ms. Kyung-Wha KANG (Republic of Korea) said that the delegation did not possess detailed information concerning the mandate of the national human rights commission, but that it would certainly adjudicate cases of discrimination in any sphere. The authorities would provide in writing the answer to Mr. Rattray's question as to whether the commission would investigate cases of alleged abuses by the military and the police. As for Mr. Malinverni's question, most asylum-seekers were migrant workers and were covered by the directive for the protection of foreign workers, relating to such matters as wages and compensation for occupational accidents. Their applicant status afforded them freedom of movement to their place of work and between the various administrative offices; they were not detained as illegal immigrants, as technically required. To Mr. Hunt's question concerning the establishment of a national human rights plan of action, she replied that, while there was no overall government move to do so, work towards that end had been undertaken at the individual ministerial level. She agreed that it might be a task for the national human rights commission.

26. The economic crisis had stemmed basically from previous distortions and irregularities in the country's economic system, in which the Government had dictated banking operations, forcing banks to conduct their affairs on the basis of political expediency rather than sound business decisions, and resulting in their own insolvency and huge unprofitable businesses. Meanwhile, small and medium-sized businesses had languished for lack of loans, and economic competitiveness had declined, as had the country's international credit rating. When recession had struck the region foreign investors, losing confidence in the country, had withdrawn their resources, leaving the Republic of Korea with a sudden financial crisis. Having diagnosed the root cause of the crisis, the new Government that had come to power a few months later had undertaken the prime task of weeding out all the irregularities and corruption that had hampered the market economy, using bold measures in the corporate and public sectors, as well as the labour sector.

27. The authorities would take account of Mr. Sadi's recommendation regarding integration of the Covenant into domestic law.

28. The CHAIRPERSON invited the delegation to introduce the written replies on items 8-20 of the list of issues, covering articles 6-8.

29. Ms. Kyung-Wha KANG (Republic of Korea), introducing the written reply to item 12, added that the problems facing the garment and shoe industry were not a direct result of the current restructuring, but reflected a general transition of the economy from labour-intensive to technology-intensive industries, which had long pre-dated the financial crisis and economic restructuring. Women workers did face unemployment with the decline of those industries, in which they were heavily concentrated. There was an upward trend in the number of women performing irregular work, but the Ministry of Labour had a special management plan for the employment security of dispatched and other irregular workers, through regular audits of their main workplaces, followed by recommendations for remedial procedures when they were found to be unjustly treated.

30. Referring to item 13, she said that the key laws on equality in the labour market were the 1999 Gender Discrimination Prohibition and Relief Act and the Equal Employment Act, revised in 1995. Victims also had full recourse to due process of law. On item 14, she said the Minimum Wage Act had been amended in November 2000 to extend coverage to all workplaces. Regarding item 15, the updated statistics for 2000 and February 2001 were 163,000 and 195,000 illegal foreign workers respectively. In connection with item 19, although more strikes were taking place, a larger number were lawful, reflecting the Government's efforts to guarantee union rights to legitimate action, and a growing maturity in labour management relations. Teachers, however, were not allowed to strike in order to prevent disruption in the classroom.

31. The CHAIRPERSON invited Committee members to put to the delegation their questions on items 8-20.

32. Mr. RIEDEL, referring to item 12, noted that over 70 per cent of the female workforce was employed in small firms and forced to go through subcontracting agencies. The existence of a special management plan and regular audits was good in theory, but he wished to know whether there was an inspectorate that actually enforced those plans, since NGO reports claimed that very few inspections were made. While he congratulated the State party on its extensive efforts (paras. 37-40 of the report) to improve the situation of women workers, particularly regarding child-care facilities, he would like to know if supervision was being intensified to improve women's situation, which, as the delegation had candidly admitted, was still vastly inferior to that of men. Given the small number of court cases, it was important to discover how the inspectorate system was working, not only in large companies but also in smaller ones such as hotels and shoe and garment factories, which were highly exploitative of women.

33. Mr. TEXIER noted from the delegation's replies that the authorities had no intention of ratifying ILO Conventions No. 2 concerning unemployment, Nos. 29 and 105 on forced labour, and Nos. 87 and 88 on trade-union rights and collective bargaining. The issue had been raised during consideration of Korea's initial report, since which time the ILO had issued a formal Declaration on Fundamental Principles and Rights at Work, covering four areas: freedom of association and collective bargaining, elimination of forced labour, abolition of child labour, and elimination of discrimination. The Republic of Korea had failed to ratify many of those fundamental rights, on the ground that the country's legislation was not consistent with such action. The Committee would be forced to recommend that the State party should bring its legislation into line with those important ILO conventions.

34. Concerning article 6 of the Covenant, the country had a relatively low unemployment rate of some 4 per cent. How had part-time or seasonal work, which was very common in Korea, been taken into account in calculating that statistic? Similarly, a great deal of space had been devoted in the second periodic report to the Labour Relations Commission, and most cases brought before it in 1999 had concerned alleged wrongful dismissal. In addition to that Commission's work, did judges monitor the legality of individual or collective dismissals?

35. He asked whether the minimum wage really allowed workers and their families to enjoy a decent living, as recommended in article 7. The figures for 2000 showed that the minimum wage was 1,875 won (US$ 1.5), which could not possibly suffice. Was the minimum wage

regularly revised when, for example, inflation was high or the cost of living rose? On the question of trade-union rights, it appeared from the delegation's replies and from information supplied by Korean NGOs that little had changed, despite the strictures contained in the Committee's concluding observations on the country's initial report, and that the rights of a great many civil servants, especially teachers, were denied. The existing case law revealed a sort of criminalization of the right to strike. He had himself seen television images of strikes being brutally put down by police in Korea. Even if the strikers were themselves violent, they had a legitimate right to strike. Many people had also been imprisoned simply for going out on strike, one as recently as February 2001. He therefore wished to know whether strikes were seen as political by the authorities. Surely protests against the restructuring of an industry were not political, but solely an attempt to protect workers' rights?

36. Mr. CEASU said that although the Republic of Korea had adopted comprehensive legislation on employment, including the National Constitution, ILO Convention No. 100, Equal Remuneration for Men and Women Workers for Work of Equal Value, and the amended 1987 law, there was still a great disparity between the wages paid to men and those paid to women. It had been stated that persons alleging discrimination could take their cases to court but, where employers contravened employment law, was that sufficient? Should the authorities themselves not take legal action against the parties in violation of the law?

37. Quoting paragraph 36 of the report, he said that although employers had been urged to remove any discrimination against women in regard to recruitment, hiring, wages and retirement, the system in place was still inadequate. Korean legislation should allow labour inspectors and governmental authorities to impose administrative penalties on those violating employment legislation.

38. Turning to the subject of industrial accidents and occupational diseases, he said that the decrease in the number of such accidents was pleasing but that the data on occupational diseases were ambiguous. Table 17 indicated that the percentage of workers with industrial diseases had been falling year by year but that the number of workers suffering from ordinary diseases had increased from 3.21 per cent in 1991 to 6.12 per cent in 1996. What was the explanation for that increase and had certain occupational diseases in fact been categorized as ordinary diseases?

39. Mr. WIMER-ZAMBRANO said that since 1995 the Committee had questioned the restrictions placed on trade union rights for teachers. Although information had been provided on the relevant legislation, no explanation had been offered as to why the restrictions were not lifted. Was there in fact an underlying political reason? If so, it should be brought to the surface. In the political sphere, the most combative sector in society was represented by students and teachers tended to be bracketed with them. Was that in fact the reason for the national trade union restrictions imposed?

40. Mr. GRISSA requested clarification on how the Republic of Korea distinguished between lawful and unlawful strikes. Similarly, the term "irregular workers" should be defined. In the statistics provided reference had been made to the salaries paid to such workers, for example those in the medical profession. Did the term "irregular" relate to the number of hours

worked or was it synonymous with the more common term "underemployed"? How many irregular employees were there, in relation to regular employees, and how did that affect the incomes of irregular employees?

41. Mr. MARTYNOV welcomed the fact that the Minimum Wage Act had been expanded to cover all workplaces, in accordance with the Committee's recommendations. It would be interesting to know whether all eligible workers actually received the minimum wage; according to information received, only 2.1 per cent of them did so. Were any government measures taken to enforce the Act?

42. The statistics relating to industrial accidents stopped in 1999, although, according to certain sources, the number of occupational injuries had risen by 25 per cent and the number of deaths by 10.3 per cent in the year 2000. Those increases had been attributed to the government's rescinding at least 27 industrial safety rules and to the curtailment of enterprise safety inspections. Did the Government intend to address the problem and, if so, how?

43. Mr. AHMED said that, although plentiful information had been provided on working conditions and on employment of national and foreign workers, few or no data had been forthcoming on agricultural workers. It was true that a population imbalance existed as a result of the flight of workers from the countryside to urban industrial centres. What percentage of workers remained in the countryside and, of that number, how many were elderly? Similarly, how many women and children were there and what percentage of workers were small plot owners or land tenants? Did those tenants benefit from the provisions of the Minimum Wage Act? It would also be interesting to know whether specific laws existed for agricultural workers or whether the laws applicable to industrial workers also related to their rural counterparts. Did agricultural workers have their own trade union and who defended their wage, social security and health rights? In regard to agricultural techniques, was extensive or intensive farming practised?

44. As to food needs, it should be made clear whether the Republic of Korea was self-sufficient and whether there was an adequate number of agricultural workers. Did they need to be supplemented by foreign nationals or were foreigners employed only in industrial centres?

45. Ms. Kyung-Wha KANG (Republic of Korea) said that detailed responses to the questions on agriculture, the right to work, the Minimum Wage Act, irregular workers, employment discrimination laws and occupational diseases would be provided by the representatives of the Ministry of Labour and Ministry of Gender Equality in her delegation. In response to Mr. Wimer-Zambrano, she said that the restrictions placed on the trade union rights of teachers should be considered in relation to the tradition whereby those workers and other public servants were held in the highest esteem by the public. It would be very disturbing for the public to see such officials striking and disrupting public services. Given the strength of public feeling, restrictions were placed on the right of teachers and non-manual public servants to form trade unions. However, the Tripartite Commission was moving towards greater readiness to accord such rights to both groups.

46. Regarding Mr. Texier's suggestion that strikes were seen by the Government as politically motivated and therefore considered unlawful, she said that the full rights of trade unions were guaranteed insofar as their actions were lawful and non-violent, in accordance with the written rules governing strikes and collective action. The treatment of strikes by the Government and law enforcement agencies was in no way politically motivated. Further, the Government assumed that the motivation on the part of striking workers was economic rather than political, representing a response to the restructuring process, introducing labour market flexibility, which had been set in motion on the basis of the consensus reached by the Tripartite Commission and as a result of which lay-offs had occurred. As to the violent police crackdown on the strikes by motor industry workers, that was an isolated case caused by a spur-of-the-moment reaction. Local and high-level police chiefs had been dismissed as a result and the police brutality which had occurred was inexcusable. It should, however, be noted that the clash had occurred after a three-hour stand-off following which the police had been provoked by a trade-union leader. Investigations into the matter continued. The incident had made the authorities more determined than ever to root out violence and nurture civility and mutual respect between citizens.

47. Mr. Hae-Young CHUNG (Republic of Korea) said that, with regard to employment equality for women and government measures to promote it, Ministry of Labour inspectors had visited workplaces to give advice and eliminate any anxiety as to women being laid off before men. A total of 534 workplaces had been inspected in 1999 and 793 in 2000. Such activities would be strengthened in the future and twice-yearly inspections carried out. In order to protect the rights of women laid off owing to restructuring, local labour offices had set up desks to receive reports from females alleging employment discrimination. Women's organizations and NGOs had opened a total of 10 advisory centres for employment equality throughout the country. Workplace childcare centres had also been established with government funding.

48. In response to Mr. Ceausu's question about employment equality and differences in wage levels for men and women, he said that the 46 local labour offices had used inspectors to investigate cases of alleged discrimination and, where appropriate, the employers concerned had been sanctioned. As to the statistics on industrial accidents and occupational and ordinary diseases, more time was needed to provide an answer.

49. Although Mr. Texier had referred to the Government's failure to ratify a fundamental ILO Convention, the Republic of Korea fully respected the Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference in 1998 and was committed to abiding by basic international conventions. The ratification of the ILO Conventions relating to forced labour and freedom of association was, however, difficult in the light of domestic legislation. Trade-union rights for public servants were being discussed by the Tripartite Commission and would be improved following the revision of relevant laws. As of 1997, trade unions had been granted greater autonomy and government intervention had been reduced. Trade unions for teachers had been allowed and national trade-union pluralism had been manifested through the establishment of the Korean Confederation of Trade Unions. Unions were allowed to participate in political activities and the Republic of Korea was committed to enhancing their rights in the future. Trade union membership was a matter of free choice.

50. Unemployment statistics were calculated by the independent National Statistical Office and were compiled in accordance with ILO standards. Where temporary and seasonal workers were covered by such standards, they were included in the published figures.

51. In answer to Mr. Texier's question on the activities of the Labour Relations Commission, the unfair lay-offs which had occurred were dealt with by university professors of law and industrial relations, together with judges and attorneys.

52. Minimum wage levels were regularly revised by a minimum wage deliberation committee including representatives of labour, employers and public interests. The distinction between lawful and unlawful strikes was made in accordance with the law and the range of issues which could be introduced by trade unions into collective bargaining was similarly regulated. The introduction of any other issues was considered unlawful. The term "irregular workers" was currently under discussion by the Tripartite Commission but it was generally taken to include part-time and temporary workers as well as contractual employees.

53. Ms. Kyung-Wha KANG (Republic of Korea) reiterated, in regard to the police brutality committed against striking motor industry workers, that such force was unpardonable. Meanwhile, although an overall picture of what had happened had been obtained, the details were still sketchy.

54. On the minimum wage, the current level stood at 410,000 won, approximately US$ 320.

55. Responding to Mr. Ahmed, she said that agriculture was a declining industry but that most households in that sector were treated in the same way as self-employed workers in that they were covered by the national health insurance and pension schemes and other provisions. There were no large agricultural enterprises employing farm labourers and no foreign workers in the agricultural sector. There was an increasing perception, however, that such workers might be required as the national population grew older, so the introduction of a foreign workers' permit system was being given serious consideration.

56. Mr. TEXIER welcomed Ms. Kyung-Wha Kang's condemnation as inexcusable of the recent police brutality during strike action. Nevertheless, his impression was that such action against trade unionists was fairly commonplace, and he urged vigilance to ensure that the concept of the political strike was not abused. He noted that the argument advanced by the delegation, namely the need to take account of cultural traditions and the high esteem in which teachers were held, was identical to that criticized by the Committee in its concluding observations of 1995 as "a wholly unacceptable basis on which to defend the excessive limitation on the freedom of significant sectors of the Korean society to enjoy the basic right to belong to unions of their choice". The Committee's recommendation concerning the immediate amendment of the laws and regulations in that regard had clearly failed. He urged the Government to think through the implications of article 8 and to ensure that progress had been made by the time of the next report.

57. Ms. Kyung-Wha KANG (Republic of Korea), while acknowledging that the action taken in the previous five years had not met in full the recommendations made by the Committee in 1995, was anxious to correct the impression that no progress at all had been made. A law had

been enacted to legalize teachers' unions and give them the right to collective bargaining, though admittedly not to collective action, and the Government was working towards allowing union activity for civil servants.

58. The CHAIRPERSON invited Committee members to comment on items 21 to 27 of the list of issues.

59. Mr. RIEDEL welcomed the measures taken to expand and consolidate the national pension scheme and protect the basic livelihood of the underprivileged. He wondered whether the extension of the Industrial Accident Compensation Insurance System and Employment Insurance to all persons in full-time employment had been effective and what percentage of workers were covered under those schemes. According to reports from NGOs, 44 per cent of the economically active population were estimated to be excluded from public pension schemes. What remedial action was the Government taking? Similarly, only 68.7 per cent of workers were covered by Industrial Accident Compensation Insurance and only 77 per cent by Employment Insurance, leaving a large section of the population without cover. With regard to health insurance, NGOs had reported that co-payment by patients of medical expenses amounted to 70 per cent for outpatient, and 47 per cent for inpatient care. Against that background, how effective was the new medical assistance scheme and how did it relate to the National Basic Livelihood Security Act? Since an insufficiency of labour inspectors appeared to be a factor in the high percentage (68.7 per cent) of workplaces not contracting into the Industrial Accident Compensation Insurance Scheme, he requested figures on the size of the inspectorate and recommended fuller treatment of the subject in the next report.

60. Mr. PILLAY said that, according to his information, poverty in the country had worsened and one fourth of the population was living below minimum standards; the National Basic Livelihood Security Act was not performing efficiently to the extent that the cash benefits provided were below the minimum cost of living and eligibility criteria were set too high; only 7 per cent of the national budget was spent on social welfare compared with 17 per cent on defence; and social insurance did not cover temporary and part-time workers, workers in small businesses and the self-employed. On paid maternity leave, he asked whether the Government intended to extend the period from 60 days to 14 weeks, in accordance with the ILO Convention. Lastly, he drew attention to two sources of information suggesting a disparity between the male and female birth rates. While acknowledging that some progress had been made towards implementing the Committee's recommendations, he reminded the delegation that all the concerns he had just raised had been expressed by the Committee in 1995.

61. Ms. BARAHONA RIERA wondered about the large number of casual workers, including a high percentage of women, who had not paid into a pension scheme. What was their economic situation when they could no longer work? What action did the Government plan to take in that regard? Welcoming the revision of the Family Act, she asked whether both partners had the same rights in respect of the division of property on divorce, and whether provisions in the Act might require amendment on account of civil or penal implications which discriminated against women.

62. Mr. SADI deplored the hasty treatment in the Government's replies of child exploitation and prostitution, which he felt betrayed a lack of interest and compassion and failed to reflect the gravity of the situation. He would appreciate some statistics on the scale of the problem and information on the root causes and how the Sexual Protection for Adolescents Act functioned.

63. Mr. RATTRAY said it was not clear to him on what basis persons became eligible for assistance under the National Basic Livelihood Security Act, what constituted the poverty line and whether the figures of US$ 166 and US$ 148 per month mentioned in the written reply to item 21 were adequate to meet basic subsistence needs. Lastly, he asked whether the provisions of the Prevention of Domestic Violence Act were gender-neutral.

64. Ms. Kyung-Wha KANG, replying to the previous speaker first, said that although the number of labour inspectors was insufficient, not least on account of the current tight fiscal policy, the general trend was upwards. The Prevention of Domestic Violence Act was not gender-neutral. As far as she knew, no cases of violence against men had been reported, but she did not rule out future amendment of the Act.

65. The Basic Livelihood Security Act provided for a needs-based system designed to make up for the shortfall between a person's income and a minimum level of living costs adjusted to reflect prices and economic conditions, regardless of age and whether or not the person was working. The average subsidy paid at the launch of the system was about 200,000 won, with 1.54 million beneficiaries, a substantial increase over the previous system.

66. Mr. Suk-Kya LEE added that there were two opposing views on the selection criteria for beneficiaries: the unions and non-governmental organizations thought selection was too strict and benefits too low; industry associations thought the minimum cost of living was too high compared with the minimum wage and could act as a deterrent to work. After extensive consultation, the Government had set the eligibility criterion at a monthly income of less than 960,000 won and assets of less than 34 million won. The Government was committed to eliminating any loopholes in the system which might leave people in need and unprotected.

67. Ms. Kyung-Wha KANG, replying to the question put by Mr. Sadi, stressed that the Government fully realized the gravity of the problem of child abuse and prostitution. Children were protected by the Criminal Code, the Child Welfare Act and the Sexual Protection for Adolescents Act. In addition to punishment under the law, personal information on the perpetrators was now disclosed as a deterrent. An emergency call service was in operation. The police were obliged by law to respond to the report of a crime immediately and to arrange for medical treatment and protection.

The meeting rose at 1 p.m.